

DECLARATION, POWER OF ATTORNEY AND PETITION

I (We), the undersigned inventor(s), hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,
I (We) believe that I am (we are) the original, first, and joint (sole) inventor(s) of the subject matter
which is claimed and for which a patent is sought on the invention entitled
Stress-inducible promoter and method for using the same

the specification of which

- is attached hereto.
- was filed on _____ as
Application Serial No. _____
- and amended on _____
- was filed as PCT international application
Number PCT/JP2004/002563
on March 2, 2004
and was amended under PCT Article 19
on _____ (if applicable).

I (We) hereby state that I (We) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; that I (We) do not know and do not believe that this invention was ever known or used before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States for more than one year prior to this application; that this invention or discovery has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months before this application.

I (We) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

I (We) hereby claim foreign priority benefits under Section 119(a)-(d) of Title 35 United States Code, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below

any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing date	Priority
<u>2003-080847</u>	<u>Japan</u>	<u>March 24, 2003</u>	claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Section 119(e) of Title 35 United States Code, of any United States application(s) listed below.

(Application Number)

(Filing Date)

I (We) hereby claim the benefit under Section 120 of Title 35 United States Code, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Section 112 of Title 35 United States Code, I (We) acknowledge the duty to disclose material information as defined in Section 1.56(a) of Title 37 Code of Federal Regulations, which occurred between the filing date of the prior application and national or PCT international filing date of this application:

Application Serial No.

Filing Date

Status (pending, patented, abandoned)

And I (We) hereby appoint: DAVIDSON, DAVIDSON & KAPPEL, LLC, CUSTOMER NUMBER
23280

I(We) hereby request that all correspondence regarding this application be sent to the firm of DAVIDSON, DAVIDSON & KAPPEL, LLC whose Post office address is: 485, Seventh Avenue, 14th Floor, New York, New York 10018 U.S.A.

I (We) declare further that all statements made herein of my (our) knowledge are true and that all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature of Inventor

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